

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

NOVEMBER 19, 2008

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **November 19, 2008** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

10 present, 2 absent. Commissioner Fay and Coleman were excused.

PRAYER

Commissioners were led in prayer by Commissioner Lee

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 5, 2008

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Minutes of the Regular Meeting of November 5, 2008.

ITEMS NOT ON THE AGENDA – SUSPENSION OF THE RULES

None

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb informed the council that the Library did receive a \$14,000 grant through the Montana Cultural Trust. This Friday Northwestern is hosting with Bob Rowe to have a planning session in Helena. He is planning to attend. Also, all the projects were loaded on and fully funded at our NRD Advisory Council and now it will be on to the Trustee Council and then on to the Governor. We have some good projects that will be funded for next year. The NRD funding cap is set at \$15 million for next year.

At this time Chief Executive Babb moved Section V, Communications to be read and acted upon to this point.

Communication No. 08-755 – Paul Babb, Chief Executive, requesting time on the agenda for the appointment of Chad Silk as a Probationary Entry Level Firefighter.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to concur with the request in Communication No. 08-755 and approve the appointment of Mr. Chad Silk as a Probationary Entry Level Firefighter.

Mr. Babb said that Mr. Silk has been trying to get on as a firefighter and visited with both Jeff Miller and myself and asked what he needed to do. We said that you need to finish #1 on the list and when there is an opening you will be that person. Chad went to school in Helena and this year he finished #1 on the list. There was a round of applause and then Jeff Miller, Director of Fire Services, came forward and said Chad is a very ambitious young man and has done a lot of things to progress his entry into the fire service. He’s obtained his EMT license and was currently working with A-1 Ambulance and furthered his education through the College of Technology. Chief Executive Babb then asked Chad to rise and he was given another round of applause.

SECTION I PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS FOR REDEVELOPMENT OF CO-OWNED PROPERTY IN THE 400 BLOCK OF E. PARK STREET. (Communication No. 08-702 being held in Committee of the Whole). Proof of publication See below -

SECTION II PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS FOR REDEVELOPMENT OF CO-OWNED PROPERTY LOCATED IN THE 1100 BLOCK OF CALEDONIA STREET. (Communication No. 08-703 being held in Committee of the Whole) Proof of publication

When the County Attorney was asked if the proof of publications were in order, he replied that the Proof of publications and the agenda did not agree in the descriptions of the property. **Commissioner Sheehy moved that due to the fact the paper and the agenda are different he would ask we reschedule the public hearing and run another legal ad in the paper and ask all of the people to come back. Commissioner Mulcahy seconded the motion and it passed with a unanimous verbal vote. Two nays were given by Commissioners O’Leary and Foley.**

SECTION III

PRESENTATION COMMUNICATION NO. 08-758

Dan Dennehy, Interim Public Works Director, requesting time on 11/19/08 agenda to present the water system Master Plan.

Dan Dennehy, Interim Public Works Director, came to the microphone. He said Robert Peccia and Associates were our consulting engineer on this process. Three members are present. Gary Swanson, Project Manager and Professional Engineer, was the Project Manager on the Master Plan. Also present is Gary Jones from Robert Peccia and also Gary Rowe from Robert Peccia. Also contributing editor and acknowledgement goes to Marty Hovan who is our Superintendent of our Water Utility Division. Gary Swanson then presented a power point and answered questions.

It was moved by Commissioner O’Leary, seconded by Commissioner and carried with a unanimous verbal vote to place Communication No. 08-758 on file.

SECTION IV

CONSENT AGENDA

- A.**
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

Before entertaining a motion to approve the Consent Agenda, Chief Executive Babb called for any “friendly amendments” or segregations. Commissioner Moodry segregated Item 2, Communication No. 08-751 and a “friendly amendment” to Communication No. 08-768 it should read “Kristen Rosa, TIFID Administrator” instead of “Paul Babb, Chief Executive”. Commissioner O’Leary had two “friendly amendments”. On page 2, No. 7 should be deleted as that is a duplicate of No. 8. And on page 3, No. 16, the number should be 08-767 instead of 08-769. Commissioner Shaw on page 10 of the Committee of the Whole Meeting Report, Section XII, should read “Brad Johnson, Secretary of State” instead of Speaker of the House.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Consent Agenda Section A, Items 1 through 4, Section B, Items 1 through 22 with the exception of those items segregations.

Segregations:

Communication No. 08-751, from Kristen Rosa, TIFID Administrator, requesting authorization for Chief Executive to sign contract amendment with HKM Engineering for engineering services associated with TIFID #2 Wastewater Collections and Conveyance System Project.

Commissioner Moodry said this Communication and No. 17, 08-768 are identical. A quick explanation to what happened. The original communication was dated last week for our action. That is 08-751. Between the time it was turned in last week's meeting some new information arose that required an adjustment to the actual amendment so that an amendment wasn't coming back again next week so the two issues were combined which will end up in Communication No. 17, 08-768. **He then moved to place Communication No. 08-751 on file. The motion was seconded by Commissioner Lee and carried with a unanimous verbal vote.**

SECTION V COMMUNICATIONS TO BE READ AND ACTED UPON

1. 08-755 Paul Babb, Chief Executive, requesting time on the agenda for the appointment of Chad Silk as a Probationary Entry Level Firefighter.

This Section was moved to the beginning of the agenda.

**SECTION VI ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

1. COUNCIL RESOLUTION NO. 08-95

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF COMMERCE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE OF A PLANNING GRANT TO BE USED FOR THE COMPLETION OF A PRELIMINARY ARCHITECTURAL REPORT FOR THE HOMEWARD BOUND FACILITY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 08-96

A RESOLUTION APPROVING GROWTH POLICY AMENDMENT NO. 27 TO THE 1987 BUTTE-SILVER BOW GROWTH POLICY AND APPROVING

CHANGES TO THE LAND USE MAP OF THE 1987 BUTTE-SILVER BOW GROWTH POLICY; INCORPORATING, BY REFERENCE, THE TEXT OF THE AMENDMENTS AND THE CHANGES TO THE MAP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VII

ORDINANCES AND RESOLUTIONS – FOR FINAL READING

1. COUNCIL BILL NO. 08-7 ORDINANCE NO. 08-7

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND CHAPTER 10.32 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “STOP SIGNS” AND SECTION 10.32.010(g), (m), (s) and (t) B-SB MC; PROVIDING THAT TRAFFIC PROCEEDING ALONG GALAXY DRIVE SHALL STOP BEFORE ENTERING THE INTERSECTION OF GALAXY DRIVE AND MILKY WAY; PROVIDING THAT TRAFFIC PROCEEDING ALONG GALAXY DRIVE SHALL STOP BEFORE ENTERING THE INTERSECTION OF GALAXY DRIVE AND MEADOWLARK LANE AND TRANQUILITY LANE, PROVIDING THAT TRAFFIC PROCEEDING ALONG MEADOWLARK LANE SHALL STOP BEFORE ENTERING THE INTERSECTION OF MEADOWLARK LANE AND GALAXY DRIVE; PROVIDING THAT TRAFFIC PROCEEDING ALONG STATE STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF STATE STREET AND SHERMAN STREET; PROVIDING THAT TRAFFIC PROCEEDING ALONG TRANQUILITY LANE SHALL STOP BEFORE ENTERING THE INTERSECTION OF TRANQUILITY LANE AND GALAXY DRIVE AND MEADOWLARK LANE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 10 yeas, 0 nays and 2 absent to place Council Bill No. 08-7, Ordinance No. 08-7 on final reading and passed having been deemed fully read at length.**

2. COUNCIL BILL NO. 08-8 ORDINANCE NO. 08-8

AN ORDINANCE AMENDING SUBSECTION 9.03 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND CHAPTER 10.32 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “STOP SIGNS” AND SECTION 10.32030(A) (b) (2), BSB MC; PROVIDING FOR DESIGNATION OF BLACKTAIL AS A THROUGH STREET FROM ITS INTERSECTION WITH ELIZABETH WARREN ON THE NORTH TO ITS INTERSECTION WITH MOUNT HIGHLAND DRIVE ON THE SOUTH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

County Attorney McCarthy that this is in error. Council Bill No. 08-8, Ordinance No. 08-8 is not up for final reading. It is up for second reading.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 10 yeas, 0 nays and 2 absent to pass Council Bill No. 08-8, Ordinance No. 08-8 on second reading.

3. COUNCIL RESOLUTION NO. 08-92

A RESOLUTION ACCEPTING THE DONATION OF THE WEST 60 FEET OF LOTS NUMBERED TWO (2) AND THREE (3) IN BLOCK NUMBERED TWO OF THE WALKERVILLE TOWNSITE ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 10 yeas, 0 nays and 2 absent to place Council Resolution 08-92 on final reading and passed having been deemed fully read at length.**

1. COUNCIL RESOLUTION NO. 08-93

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE BUFFALO ESTATES SUBDIVISION – PHASE I THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 10 yeas, 0 nays and 2 absent to place Council Resolution No. 08-93 on final reading and passed having been deemed fully read at length.**

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to rise to the Call of the Chair.

The meeting adjourned at 8:50 pm

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER

